

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

No: 19-cv-01930

\$53,082,824.19 IN U.S. CURRENCY,

Defendant

BANCO SAN JUAN INTERNACIONAL'S VERIFIED CLAIM

Sonia Torres, Esq.
USDC-PR Bar No. 209310
Meléndez Torres Law PSC
MCS Plaza, Suite 1200
255 Ponce de León Avenue
San Juan, PR 00917
Telephone: (787) 281-8100
Fax: (787) 281-8310
storres@melendeztorreslaw.com

Jonathan W. Haray, *Pro hac vice* pending
Courtney Saleski, *Pro hac vice* pending
DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Fax: (202) 799-5000
jonathan.haray@dlapiper.com
courtney.saleski@dlapiper.com

Abbe David Lowell, *Pro hac vice* pending
Eric W. Bloom, *Pro hac vice* pending
Christopher D. Man, *Pro hac vice* pending
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006
(202) 282-5000 (Phone)
(202) 282-5100 (Fax)
adlowell@winston.com

Guillermo Ramos Luiña (USDC-204007)
PO Box 2763, UPR Station
San Juan, PR 00931-2763
(787) 620-0527 (Phone)
(787) 620-0039 (Fax)
gramlui@yahoo.com

Counsel for Banco San Juan Internacional, Inc.

TO THE HONORABLE COURT:

COMES NOW, Banco San Juan Internacional, Inc. (BSJI), a corporation registered in the Commonwealth of Puerto Rico, through verified declaration and the undersigned attorneys respectfully states as follows:

1. On September 27, 2019, Plaintiff United States of America brought this civil action for forfeiture *in rem* against \$53,082,824.19, being held in the name of BSJI in three accounts at two U.S. financial institutions: in particular, \$10,000,000 in funds in account xxx-x7689 in the name of BSJI at Merrill Lynch in Puerto Rico; \$5,000,000 in funds in account xxx-x7059 in the name of BSJI at Merrill Lynch in New York; and \$38,082,824.19 in funds in account xxxx-x228-6 in the name of BSJI at the Federal Reserve Bank of New York (FRBNY) (collectively “the seized funds”).

2. BSJI hereby claims the seized funds described above as the property of BSJI, pursuant to Supplemental Federal Rules of Civil Procedure C(6) and G(5)(a). The accounts at issue with Merrill Lynch and FRBNY are in the name of and are the property of BSJI, as Plaintiff concedes in the Verified Complaint itself. (Compl. at 1-2 (“accounts under the name of Banco San Juan International [*sic*],” and “\$53,082,824.19 associated with Banco San Juan International [*sic*]”); Complaint at 3 (“Funds ... contained in the following accounts under the name of Banco San Juan International [*sic*]”).)

3. In particular, BSJI claims ownership of the following property, seized on Plaintiff’s behalf by agents from Immigration and Customs Enforcement, Homeland Security Investigations and the Federal Bureau of Investigation (*id.* at 3):

- a) \$10,000,000 from account xxx-x7689 at Merrill Lynch, #15 Second Street, Suite 210, Guaynabo, PR 000968;

- b) \$5,000,000 from account xxx-x7059 at Merrill Lynch, 225 Liberty Street, 41st Floor, New York, NY 10281, and
- c) \$38,082,824.19 from account xxxx-x228-6 at the Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045.

4. Both FRBNY and Merrill Lynch have recognized BSJI's ownership of the seized funds and have notified BSJI of the initial seizures of the funds. In particular, FRBNY notified BSJI on or about February 15, 2019 that \$38,082,824.19 had been seized from BSJI's account ending in xxxx-x228-6. BSJI's account statement from FRBNY subsequently included a debit in that amount on February 14, 2019. In addition, an account statement issued by Merrill Lynch in Puerto Rico for BSJI's account ending in xxx-x7689 included a February 26, 2019 debit in the amount of \$10 million with the description, "CK G 52324-16667 Customs and Border." On the same date, according to an account statement issued by Merrill Lynch in New York, \$5 million was debited from BSJI's account ending xxx-x7059, and included the same transaction description.

8. The seized funds from BSJI's Merrill Lynch and FRBNY accounts are the result of legitimate, ordinary business activities by BSJI and are not forfeitable as property involved in, traceable to, or which "constitutes or is derived from proceeds" of unlawful activity, as set forth in 18 U.S.C. §981(a)(1)(A) and (C), or any other provision of law.

9. Further, BSJI is not aware of any reason to believe the seized funds contain the proceeds of any unlawful conduct that could give rise to a legitimate claim of forfeiture.

VERIFIED DECLARATION

I, Hector J. Vasquez, resident of the Commonwealth of Puerto Rico, hereby declare the following, under penalty of perjury as provided in 28 U.S.C. §1746:

I am Chief Financial Officer of Banco San Juan Internacional, Inc., a corporation registered in the Commonwealth Puerto Rico. I am legally authorized to act on behalf of Banco San Juan

Internacional, Inc. in all matters. The statements contained in the foregoing Verified Claim are true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 9th day of October, 2019.



Hector L. Vasquez
Chief Financial Officer
Banco San Juan Internacional, Inc.

Dated: October 9, 2019

Sonia Torres, Esq.
USDC-PR Bar No. 209310
Meléndez Torres Law PSC
MCS Plaza, Suite 1200
255 Ponce de León Avenue
San Juan, PR 00917
Telephone: (787) 281-8100
Fax: (787) 281-8310
storres@melendeztorreslaw.com

Jonathan W. Haray, *Pro hac vice* pending
Courtney Saleski, *Pro hac vice* pending
DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004
Telephone: (202) 799-4000
Fax: (202) 799-5000
jonathan.haray@dlapiper.com
courtney.saleski@dlapiper.com

Abbe David Lowell, *Pro hac vice* pending
Eric W. Bloom, *Pro hac vice* pending
Christopher D. Man, *Pro hac vice* pending
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006
(202) 282-5000 (Phone)
(202) 282-5100 (Fax)
adlowell@winston.com

/s/ Guillermo Ramos Luiña
Guillermo Ramos Luiña (USDC-204007)
PO Box 2763, UPR Station
San Juan, PR 00931-2763
(787) 620-0527 (Phone)
(787) 620-0039 (Fax)
gramlui@yahoo.com

Counsel for Banco San Juan Internacional, Inc.

CERTIFICATE OF SERVICE

I certify that the foregoing was filed on October 9, 2019 with the Clerk of Court using the CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

/s/ Guillermo-Ramos Luiña
Guillermo Ramos Luiña